

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the
District of Nebraska

2023 OCT -3 PM 4:00



4:23cv 3186

Division

Supplements or Revision at a later date

Case No.

(to be filled in by the Clerk's Office)

Brendan Welch

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Eric L. Byrd
Richard S. Holloway
David Whitesides
WS Tysinger

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

False Reports
False Arrests (Multiple counts)
Wrongful Prosecution; Wrongful
convictions
Malicious Prosecution
Excessive use of Force/Threats
False/Wrongful Imprisonment
Illegal Detention
Torture/Intentional Infliction of
Emotional Distress
TIED

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Brendan Welch		
Address	2121 N. 27th Street		
	Lincoln	NE	68503
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Lancaster		
Telephone Number	NA		
E-Mail Address	NA		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Eric L. Byrd		
Job or Title (if known)	Caldwell County Sherriff officer		
Address	2351 Morganton Boulevard SW		
	Lenoir	NC	28645
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Caldwell		
Telephone Number	828-754-1518; 828-758-2324		
E-Mail Address (if known)	Not Known		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Richard S. Holloway		
Job or Title (if known)	Caldwell County District Court Judge		
Address	216 Main Street SW		
	Lenoir	NC	28645
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Caldwell		
Telephone Number	828-759-3503		
E-Mail Address (if known)	777		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name	David E. Whitesides		
Job or Title <i>(if known)</i>	Burke County Magistrate		
Address	130 Government Drive		
	Morganton	NC	28655
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Burke		
Telephone Number	828-433-3219		
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name	W.S. Tysinger		
Job or Title <i>(if known)</i>	Caldwell County Magistrate		
Address	216 Main Street NW		
	Lenoir	NC	28645
	City	State	Zip Code
County	Caldwell County		
Telephone Number	828-759-3503		
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? Wrongful Detention; False Imprisonment; Abuse of Power; Conspiracy Against Rights; 18 USC 241; Deprivation of Rights Under Color of Law; 18 USC 242; Human Rights violations-subjected to abrituary, false imprisonment; cruel and degrading treatment; Unlawful Arrests X3; Illegal Detention; Malicious Prosecution; Threats of Assault by Police during Illegal Detention; Illegal Searches; Violations of Constitutional Rights; Wrongful Prosecution and convictions

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

W.S. Tysinger, RS King, A. Robbins and Eric L. Byrd did knowingly and deliberately act under and in violation of NC state law; carrying out false reports filed by Alen Cannon and subsequently illegally and falsely imprisoning me; while Richard S. Holloway did so continue to keep me under excessive bond and further ruin my life. David Whitesides; R.E. Hasson 3H6780 PAT; *did so act under*

III. Statement of Claim *and in violation of NC and federal laws by Illegally detaining me; setting excessive bond. All Parties are responsible for malicious prosecution, false imprisonment and wrongful prosecution and convictions.*

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Caldwell County Courthouse; Caldwell County Magistrates Office; Buffalo Cove Gameland and 1474 Cove Branch Rd Lenoir, NC - Caldwell County and 1547 Brown Mountain Beach Rd; 130 Goverment Dr and Burke County - Catawb. Detention/District Confinement Facility and Caldwell County Jail.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

*Caldwell - 4/18/2016; 4/19/2016; 4/20/2016 - 12:25 pm - September 20th, 2017
Burke County - 8/24/2016 14:52; 8/24/2016 11:20 - 14:00 to 11/27/17*

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

In April - I was Peacefully Camping and enjoying a turkey hunt in Caldwell County; licensed and legally hunting on gamelands. during one of my hikes in town to get water and food; I met Allen Dale Cannon; whom subsequented pointed a handgun at me and communicated threats to me on two different occasions; I called Police on or about May 3rd, 2016 for assistance; before that; I was Illegally detained; arrested and falsely imprisoned; being deprived of my freedom; falsely accused of assault + trespass. I was then further maliciously prosecuted; suffering in jail under false reports; wrongful convictions and Illegal detention/false imprisonment. See additional Pages for further facts on Caldwell and Burkes misconduct and abuse.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Intentional Infliction of Emotional Distress; Pain and suffering; High Anxiety and Panic Attacks; Depression at times. Denied my medication for my attacks ~~and~~ and my condition; triggered by the wrongful Detention; malicious Prosecution; Deprivation of Rights; conspiracy against Rights; False/Wrongful Imprisonment; Interference with Privacy; being subject to torture and cruel; degrading treatment; threatened with assault and excessive force when I was unarmed as a matter of fact; and not hostile. Assaulted by one of Jason Sisk's accomplices physically and temporarily blinded.

More can be provided in supplements if needed.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Prosecution for the misconduct; harassment and Rights Violations. Magistrate and Judges removed and/or disciplined with suspension or removal/revocation of their respective licenses. R.E. Hasson; Eric Byrd and A. Robbins suspended or terminated for the wrongful detention; Illegal/unlawful Arrests and False Imprisonment. Possibly prosecution for deprivation of Rights and conspiracy in regards to Caldwell County Magistrates; and officers; as one of the officers Baird and told me "you have no Rights" before subsequently unlawfully arresting me and harassing me.

[Revise when possible]

For the offenses of False Arrests; False Imprisonment; Malicious Prosecution; Deprivation of Rights; Wrongful Detention; Wrongful Detention and Wrongful Convictions derived from and stemming from the false reports and malicious falsehoods; false information and disinformation Jason Sisk and Allen Dale Cannon committed and provided, which in turn, resulted in torture; torment; fear; Panic; anxiety by the confinements and suffocating feelings. For 164 or nearly 164 days; 5.5 months and the above; \$100,000

[Revise]

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/3/2023

Signature of Plaintiff

Printed Name of Plaintiff



Brendan Welch

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Will be back later to provide a
 Neater and more Professional Complaint.
 Please make copies of this Complaint for
 my record. I will also subpoena
 at a later ~~in~~ date for production
 of information; namely full names;
 not abbreviations or concealed ~~id's~~
 identities. Intending to use A088B
 to receive such information as described.

Correspondence

Will also make a motion to
 seal or make address confidential
 as soon as possible for my safety.
 or will mail it in.

Contact Phone Number:
 (314) 244-2400

Mailing Address for 8th Circuit Court of Appeals:
 U.S. Court of Appeals for the Eighth Circuit
 Thomas F. Eagleton Court House
 111 South 10th Street, Room 24.329
 St. Louis, MO 63102

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA
IN THE MATTER OF 4:23 CV 3186

Jurisdictional Information and Additional Defendants

R.S. King- Caldwell County Magistrate-216 Main Street NW; 216 Main Street SW; 209 Mulberry Street NW Lenoir, NC 28645 (Multiple addresses) Caldwell County.

A Robbins – - 2351 Morganton Boulevard; SW Lenoir, NC 28545 828-754-1518. Caldwell County.

Richard S. Hollway- NC 25th Judicial District- Caldwell County District Court- 1005 Norwood St SW Lenoir, NC 2845 (Public information on FindLaw) 828-757-2904. 216 Main Street SW Lenoir, NC 28645. 828-759-3503. 828-759-3502. Caldwell County.

WS Tysinger- 216 Main Street NW; 216 Main Street SW; 209 Mulberry Street Lenoir, NC 2845 (Multiple addresses) Caldwell County.

Eric L. Byrd- 2351 Morganton Boulevard Lenoir, NC 28645. 828-758-2324. Caldwell County

David Whitesides- 130 Government Drive Morganton, NC 28655. Burke County.. 828-433-3219.

Rick R.E Hasson- Burke County- 150 Government Drive Morganton, NC 28655.

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

Brendan Welch

Plaintiffs

4:23CV 3186 () ()

Eric L Byrd^{VS}; Richard Holloway
David Whiteside; WS Tysinger

A Robbins; R S King;

Rick R.E Hasson

Application for the Court to Request
Pro Bono Counsel

Defendants

I ask the Court to request a pro bono attorney to represent me in this action. In support of my application, I declare under penalty of perjury that the following information is true and correct:

1. Have you previously filed a "Request to Proceed in Forma Pauperis" (an IFP application)?

Please check the appropriate box below:

☐

I have previously filed an IFP application in this case, and it is a true and correct representation of my current financial status.

☒

I have not previously filed an IFP application in this case and now attach an original IFP application showing my financial status.

2. Explain why you need an attorney in this case. (Please note that requests for pro bono counsel are rarely granted at the early stages of a case and usually not before the Court has issued a decision on the merits of the case.) If you asked for an attorney earlier in this case, please also explain what has changed since you last asked for an attorney.

For my safety; protection and well-being.
My freedom and rights have been violated
multiple times by the named defendants;
I do not doubt they would abuse
their power again and torture me
further. Because of the high risk
of this matter and being in a severe
financial crisis; I do not need to deal
with further rights violations in the future.

3. Explain what steps you have taken to find an attorney and with what results. (Please identify the lawyers, law firms or legal clinics you have contacted and their responses to your requests. If you have limited access to the telephone, mail, or other communication methods, or if you otherwise have had difficulty contacting attorneys, please explain.)

Cannot afford attorneys due to being
in a severe financial crisis; unemployed
and dealing with business interruption

and tortious business interference;
as well as crimes and violations
caused by other defendants in other
matters before the Court.

4. If you need an attorney who speaks a language other than English, state what language(s) you speak: _____.

5. I understand that if an attorney volunteers to represent me and that attorney learns that I can afford to pay for an attorney, the attorney may give this information to the Court.

6. I understand that even if the Court grants this application, I will receive pro bono counsel only if an attorney volunteers to take my case and that there is no guarantee that an attorney will volunteer to represent me.

7. I understand that if my answers on this application or in my IFP application are false, my case may be dismissed.

10/3/2023

Date

Weich, Brendan M

Name (Last, First, MI)



Signature

Prison ID # (If Incarcerated)

403 N. Galway St

Address

City

State

Zip Code

Greeley, NE 68842